



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 31, 1984

A. Mitchell Powell, Jr., Esq.
Sanders, Mottola, Haugen & Goodson
P. O. Box 1177
Newnan, Georgia 30264

Dear Mr. Powell:

This refers to Act No. 640, S.B. No. 505 (1984), which changes the method of electing the city council from at-large to single-member districts with two at-large seats, increases the number of councilmembers from four to six, and provides for a districting plan for the City of Newnan in Coweta County, Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received the information to complete your submission on July 2, 1984.

We have completed a careful analysis of the information you have provided, along with Bureau of the Census data and comments and information from other interested parties. According to the 1980 Census, the City of Newnan's population is approximately 45 percent black. Our review of the information available to us indicates that racially polarized voting exists in the City of Newnan and that no black ever has been elected to the city council, even though six blacks have been candidates for council positions since 1970. Our analysis reveals that the submitted plan provides for one district in which black voters would appear to have a realistic opportunity to elect a representative of their choice.

In evaluating the purpose underlying the proposed changes we note at the outset the submission's statement that the proposed changes were initiated in response to a letter from representatives of the minority community seeking a meeting to

discuss possible changes in the existing at-large method of election. Our information, however, is that the city has made no effort to solicit input or suggestions from the members of the minority community who sought the change. Nor has the city adequately justified the method chosen.

In that regard, our analysis shows that a plan with compact districts which recognize communities of interests likely would provide two districts in which minority voters could elect representatives of their choice. In fact, we understand that the city considered alternatives which would have had exactly that result but rejected all of them in favor of a plan that unnecessarily divides the city's minority residential areas into three districts, thereby affording minorities an effective majority in only one district. In a locality with a history of racial bloc voting, such as seems to exist in the City of Newnan, such fragmentation of minority residential areas has the effect of diluting the black voting strength.

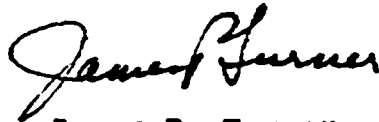
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.39(e)). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the implementation of Act No. 640.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that these changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. In addition, Section 51.44

of the guidelines permits you to request that the Attorney General reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make Act No. 640 legally unenforceable. 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the City of Newnan plans to take with respect to this matter. If you have any questions, feel free to call Sandra S. Coleman (202-724-6718), Deputy Director of the Section 5 Unit of the Voting Section.

Sincerely,

A handwritten signature in dark ink, appearing to read "James P. Turner". The signature is fluid and cursive, with the first name "James" and last name "Turner" clearly distinguishable.

James P. Turner
Acting Assistant Attorney General
Civil Rights Division